REMARKS

Initially, Applicants thank the Examiner for the courtesies extended during the recent telephonic interview held on May 8, 2007. The claim amendments and arguments submitted in this paper are consistent with the amendments and arguments presented during the course of the interview.

The Office Action mailed March 20, 2007 considered claims 1-49. Claims 1-17, 19-22, 25-31, 42, 43, 45-47 and 49 were rejected under 35 U.S.C. 102(e) as being anticipated by Hammond (US 5,974,470) hereinafter *Hammond*. Claims 18, 24 and 44 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Hammond*, as applied to claims 17, 16 and 42 above, respectively. Claims 23 and 48 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Hammond*, as applied to claims 21 and 42 above, respectively, in view of Saboff et al. (US 6,185,734) hereinafter *Saboff*. Claims 32-41 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Saboff* in view of *Hammond*.[1]

By this amendment claims 1, 5, 8, 11-14, 16 and 42 have been amended.[2] Claims 32-41 have been cancelled. Accordingly, claims 1-31 and 42-49 are pending, of which claims 1, 15, 16, 31, 42 and 49 are the only independent claims at issue.

The present invention is generally directed to allowing a software application to run using a specified version of one or more shared assemblies. For example, claim 1 defines accessing a manifest, the manifest comprising a software data file including metadata describing applications' dependencies on assembly versions, the manifest being stored in non-volatile storage and being associated with an application that is configured to load specified versions of one or more assemblies upon initiation. Next, claim 1 defines building an activation context based on the accessed manifest, wherein the activation context comprises a table of contents that maps global, version independent names to a specified version of at least one of the one or more assemblies that are indicated in the manifest. Next, claim 1 defines loading the activation context into computer system memory in a persistable binary form to provide accelerated access to the activation context. Next, claim 1 defines receiving a request from an application to load an

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[1] Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

[2] Support for the amendments to the claims are found throughout the specification and previously presented claims, including but not limited to paragraphs [0032], [0033], [0043], [0044], [0046], [0049], [0062] and Figures 2 & 5.

assembly from among a plurality of assemblies located in a same directory. Next, claim 1 defines consulting information in the activation context to identify a specified version of the requested assembly without referring to the received manifest, in response to receiving the request to load the assembly. Lastly, claim 1 defines providing the specified version of the assembly for use by the application.

Claims 15 is a computer program product claim corresponding to claim 1. Claim 16 is a method claim similar to claim 1, but interprets and uses dependency information. Claims 31 is a computer program product claim corresponding to claim 16. Claim 42 is a system claim similar to claim 16. Claims 49 is a computer program product claim corresponding to claim 42.

Applicants respectfully submit that the cited art of record does not anticipate or otherwise render the amended claims unpatentable for at least the reason that the cited art does not disclose, suggest, or enable each and every element of these claims.

Hammond describes a system for managing DLL modules. Specifically, *Hammond* allows for more accurate loading of the correct DLL, multiple simultaneous use of DLL's with the same name, and tracking of the run-time usage of modules (Col. 3:50-60). *Hammond* provides enhanced load logic, search logic and module version logic (Col. 4:36-38). Moreover, in *Hammond*, when a module is already being used, it assigns an alias name to the module in the load function and copies the DLL to an alias directory under an alias name. The application then uses the alias-named DLL to run the application from the alias directory (Col. 7:5-20). The configuration file that stores the alias-named DLL must be referred to each time the application is loaded. Applicant's invention however, teaches loading the activation context into computer system memory in a persistable binary form to provide accelerated access to the activation context and consulting information in the activation context to identify a specified version of the requested assembly without referring to the received manifest, in response to receiving the request to load the assembly, as recited in claim 1, indicating that the activation context does not need to be referred to each time the application is run.

Saboff describes a system and method for managing changes in software component versions and allowing multiple versions to be used simultaneously (Col. 2:34-36). *Saboff* further describes creating a centralized registry that tracks which version each application is using (Col. 2:37-40). Libraries can be updated/deleted/re-linked on-the-fly (without a reboot) using the centralized registry (Col. 3:1-7). Furthermore, *Saboff* describes having debug versions and

language-specific versions of files linked by the centralized registry (Col. 4:3-4, 19-20). Similar to *Hammond*, *Saboff* also teaches referring to a set of rules to perform a search each time a user requests to access a file. Neither, however teach accessing a manifest, the manifest comprising a software data file including metadata describing applications' dependencies on assembly versions, the manifest being stored in non-volatile storage and being associated with an application that is configured to load specified versions of one or more assemblies upon initiation and building an activation context based on the accessed manifest, wherein the activation context comprises a table of contents that maps global, version independent names to a specified version of at least one of the one or more assemblies that are indicated in the manifest, as recited in claim 1 indicating that the assembly version that is to be loaded is specified by the manifest.

At least for any of the reasons cited above in relation to the teachings of *Hammond* and *Saboff*, claim 1 patentably defines over the art of record. At least for any of these reasons, claims 15, 16, 31, 42 and 49 also patentably define over the art of record. Since each of the dependent claims depend from one of claims 1, 15, 16, 31, 42 and 49, each of the dependent claims also patentably define over the art of record for at least either of the same reasons.

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice. Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 11th day of May, 2007.

Respectfully submitted,

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